

Remarks/Arguments

Upon entry of the above amendments, Claims 1, 2, 4, and 8 will be pending in the instant application.

Applicants amended claim 1. No new matter has been introduced.

Rejection Under 35 U.S.C. § 112

Claims 1, 2, 4 and 8 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention. Applicants amended claim 1 as suggested by the Examiner.

In view of foregoing, Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph be withdrawn.

Rejections Under 35 U.S.C. §102

Claims 1-2, 4 and 8 stand rejected under 35 U.S.C. §102(e) as being anticipated by Davis-Ward et al., US2007/0010668. Specifically, the Examiner contends that the instant claims read on compounds in Example 38 disclosed in the cited reference and the examiner asserts that Applicants can not rely on the priority document (GB02062156 filed March 15, 2002) to overcome the rejection.

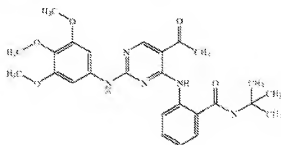
Applicants respectfully disagree.

Applicant would like to point out to the Examiner that Example 38 is not N-(tert-butyl)-2-((5-bromo-2-{3,4,5-trimethoxyphenyl}amino)pyrimidin-4-yl)aminobenzamide as indicated by the Examiner but is N-(tert-butyl)-2-((5-methyl ketone-2-{3,4,5-trimethoxyphenyl}amino)pyrimidin-4-yl)aminobenzamide (structure depicted for your convenience).

EXAMPL 38

N-(tert-butyl)-2-((5-methyl ketone-2-{3,4,5-trimethoxyphenyl}amino)pyrimidin-4-yl)aminobenzamide

[0398]



Example 38 is not encompassed by the instant claims since R⁵ in applicant's Claim 1 cannot be an acetyl group as shown in Example 38.

Applicants further argue that the instant claims do not read on any of the examples disclosed in US 2007/0010668.

In view of the foregoing, Applicants respectfully request the rejections under 35 U.S.C. §102(e) be withdrawn.

Obviousness-type Double Patenting

Claims 1-2, 4 and 8 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-11 and 13-22 of copending Application No. 10/549,250 and over claims 11-23 of copending Application No. 11-377,716. Applicants respectfully request that this rejection be held in abeyance until allowable subject matter has been identified and accepted.

CONCLUSION

Applicants addressed each and every issue set forth by the Examiner. Applicants respectfully request submit that the claims are in good condition for allowance.

If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

The Commissioner is hereby authorized to charge payment to Deposit Account No. 50-4409 for additional fees under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly extension of time fees.

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Respectfully submitted,


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Date:

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